

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER

CASE NO. /

02-461734-20 D43 CM

412-05967

CLEVELAND, OHIO 44113

Rule 4 (B) Ohio

Rules of Civil Procedure

02-461783
ATKINSON, ROBERT - ET AL

Plaintiff

VS

BF GOODIRCH COMPANY - ET AL

Defendant

SUMMONS

DAIMLERCHRYSLER CORPORATION
X CT CORPORATION SYSTEM
1300 E NINTH ST STE 1010
CLEVELAND OH 44114

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on:



Plaintiff's Attorney

BEVAN, THOMAS W.
BEVAN & ASSOCIATES LP
10360 NORTHFIELD ROAD
NORTHFIELD OH 44067

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

MCNUGLE, RICHARD-ASBEST

Do not contact judge. Judge's name is given for attorney's reference only.

GERALD E. FUERST

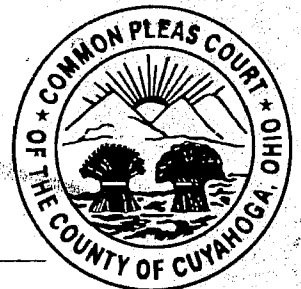
Clerk of the Court of Common Pleas

DATE

FEB. 19, 2002

By

B. B. Raughter
Deputy



COMPLAINT FILED 01/11/2002

SERVICE COPY

Case No.

Marie Urig
715 Cooper Foster Pkwy
Lorain, OH 44053

Walter Ward
Shirley Ward
17236 Galehouse Rd.
Doylestown, OH 44230

Willie Ward
Rosemary Ward
939 E. Crosier St.
Akron, OH 44306

Joseph Washington
701 DeWitt Street
Lorain, Ohio 44055

Robert Washington
1622 Leavitt Rd.
Lorain, OH 44052

Herbert Watling
240 Root Rd.
Lorain, OH 44052

Don Weir
5834 Gargas Dr., F-2
Lorain, OH 44053

Doug Wengel
Kathleen Wengel
7122 Fox Hill Dr.
Solon, OH 44139

Jerrold Wenger
Carol Wenger
398 Temple Ave.
Akron, OH 44319

Gregory Wenum
Mary Wenum
3840 Herbert St.
Mogadore, OH 44260

Case No. ~~461751~~
461750

Case No. ~~461752~~
461751

Case No. ~~461753~~
461752

Case No. ~~461754~~
461753

Case No. ~~461755~~
461754

Case No. ~~461756~~
461755

Case No. ~~461757~~
461756

Case No. ~~461758~~
461757

Case No. ~~461759~~
461758

Case No.

James Wilson
255 Brunswick Dr., Apt. #D
Elyria, OH 44035

Case No. ~~461769~~
461768

Samuel Wilson
Diane Wilson
13337 Fulton Rd.
Marshallville, OH 44645

Case No. ~~461770~~
461769

William Winans
2750 Shellhart Rd.
Norton, OH 44203

Case No. ~~461771~~
461770

Frances Wood
1205 E. 36th St.
Lorain, OH 44055

Case No. ~~461772~~
461771

Charles C. Woodford
Ina Woodford
8C71 Box 18A
Glenville, WV 26351

Case No. ~~461773~~
461772

Charles Woodruff
19395 S. Prairie Bell Road
Morris, OK 74445

Case No. ~~461774~~
461773

Rudolph Woods
Cora Woods
1160 Peerless Ave.
Akron, OH 44320

Case No. ~~461775~~
461774

Herman Wren
Mary Wren
3748 Albany Ave.
Lorain, OH 44055

Case No. ~~461776~~
461775

Charles Wright
1221 Everton Dr., Apt. 304
Akron, OH 44307

Case No. ~~461777~~
461776

Denvil Wright
Dawn Wright
1851 Hamilton Ave.
Lorain, OH 44052

Case No. ~~461778~~
461777

Everett L. Wyatt
Nina Wyatt
2069 Palm Rd.
Mogadore, OH 44260

Don Wyckoff
Glenda Wyckoff
PO Box 21
Daldon, OH 44618

George Yeager
Dorothy Yeager
374 Homewood Ave.
Akron, OH 44312

Andrew Yeager, Jr.
Mary Yeager
245-1/2 15th St.
Barberton, OH 44203

Jim Yoder
Sherry Yoder
85 E. Clinton St.
Doylestown, OH 44230

Matthew Zene
Doris Zene
1018 Merton
Akron, OH 44306

vs.

BF Goodrich Company
3 Coliseum Center
2730 West Tyvola Road
Charlotte, NC 28217

Goodyear Tire & Rubber Company
Individually and as Liable for
Goodyear Aerospace Corporation
1144 East market Street
Akron, Ohio 44316

Case No.

~~461779~~
461778

Case No.

~~461780~~
461779

Case No.

~~461781~~
461780

Case No.

~~461782~~
461781

Case No.

~~461783~~
461782

Case No.

~~461784~~
461783

COMPLAINT

(Personal Injury Loss
of Consortium)

Jury Trial Demanded

Ford Motor Company)
c/o CT Corporation Systems)
1300 E. Ninth St., #1010)
Cleveland, OH 44114)
)
Lockheed Martin, Inc.)
Individually and as Successor)
in Interest to Loral Systems)
Group and Goodyear Aerospace Corp.)
1210 Massillon Rd.)
Akron, OH 44315-0001)
)
Michelin North America, Inc.)
Individually and as Successor)
In Interest to BF Goodrich)
Tire Company)
505 Michelin Avenue)
Greenville, SC 29605)
)
Bridgestone/Firestone, Inc.)
50 Century Blvd.)
Nashville, TN 37214)
)
Continental General Tire, Inc.)
Individually and as Successor)
in Interest to General Tire , Inc.)
One General Street)
Akron, OH 44329)
)
A.C. & S., Inc.)
PO Box 1548)
Lancaster, PA 17608-1548)
)
A.O. Smith Corporation)
c/o Prentice_Hall Corp. System)
50 West Broad Street, Suite 1800)
Columbus, OH 43215)
)
A.P. Green Service, Inc./Bigelow-Liptak Co.)
c/o Connecticut Valley Claims Co.)
525 Brook St.)
Rocky Hill, CT 06067)
)
A.P. Green Industries)

c/o Statutory Agent)
C.T. Corporation System)
1300 East Ninth St., #1010)
Cleveland, OH 44114)

A-Best Products Company,)
Individually and as Successor)
In Interest to Asbestos)
5405 East Schaaf Rd.)
Cleveland, OH 44131)

Adience, Inc.)
Successor in interest to Adience)
Company, LP, as Successor to BMI, Inc.)
c/o Statutory Agent)
C.T. Corporation System)
1300 E. Ninth St., #1010)
Cleveland, OH 44114)

Akron Gasket & Packing Enterprises, Inc.)
1244 Home Ave.)
Akron, OH 44310)

The Ajax Manufacturing Co.)
A Subsidiary of Park Ohio Industries, Inc.)
1441 Chardon Rd.)
Euclid, OH 44117)

Allied Glove Corporation)
P.O. Box 2126)
Milwaukee, WI 53201)

Allied-Signal, Inc.)
Individually and as Successor)
In Interest to Bendix Corp.)
c/o C.T. Corporation System)
111 8th Ave., 13th Floor)
New York, NY 10011)

American Optical Corporation)
C/o Statutory Agent)
C.T. Corporation System, S.A.)
101 Federal St.)
Boston, MA 02110)

American Standard, Inc.
c/o CT Corporation System
441 Vine Street #3810
Cincinnati, OH 45202

Aqua-Chem, Inc. and its Division
Cleaver Brooks
7800 N. 113th St.
Milwaukee, WI 53224

Arvin Industries, Inc. fka
Maremont Corporation
One Noblitt Plaza
Box 3000
Columbus, IN 47202-3000

Asbestos Corporation, Ltd.
840 Quellet Blvd. West
Thetford Mines
Quebec, Canada G6G 785

Atlas Turner, Inc.
(formerly Atlas Asbestos Co.)
A Canadian Corporation
850 BD Quellet Quest
Thetford Mines P.Q.
Canada, G6G7A5

A. W. Chesterton Co.
225 Fallon Road
Stoneham, MA 02180

Beazer East, Inc.
c/o C.T. Corporation System
1300 E. Ninth St. #1010
Cleveland, OH 44114

Bell Asbestos Mines, Limited
Independently and as successor
In interest and liable for
Atlas Asbestos Co., Inc.
Thetford Mines
Quebec, Canada

Bigelow National Company
c/o Richard W. Vollmer
PO Box 706
New Haven, CT 06503

Bigelow-Liptak Corporation
c/o Statutory Agent
C.T. Corporation System
1300 East 9th Street, #1010
Cleveland, OH 44114

Borg-Warner Automotive Inc.
200 S. Michigan Ave.
19th Floor
Chicago, IL 60604

Borg-Warner Corporation
A Delaware Corporation
c/o The Corporation Trust Co.
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

The Carborundum Company, Inc.
c/o C.T. Corporation System
1300 E. Ninth St., #1010
Cleveland, OH 44114

Carlisle Companies, Inc.
250 South Clinton Street, #201
Syracuse, NY 13202-1258

Cassiar Resources, Ltd.
aka Cassiar Mining Corp.
1055 West Hasting Street
Vancouver, British Columbia V6E 3V3

Clark Industrial Insulation
Company, Formerly known as
Clark Asbestos
1893 e. 55TH Street
Cleveland, OH 44103

Combustion Engineering, Inc.)
c/o Statutory Agent)
C.T. Corporation Systems)
1300 E. Ninth St., #1010)
Cleveland, OH 44114)
)
Cooper Industries, Inc.)
c/o Statutory Agent)
C.T. Corporation System)
1021 Main #1150)
Houston, Texas 77002-6505)
)
Corhart Refractories)
Rt. 6, Box 82)
Buckhannon, WV 26201)
)
C.P. Hall Company)
c/o Statutory Agent)
C.T. Corporation System)
1300 E. Ninth St., #1010)
Cleveland, OH 44114)
)
Crane Compnay)
c/o Statutory Agent)
C.T. Corporation System)
1300 E. Ninth St., #1010)
Cleveland, OH 44114)
)
Crown Cork and Seal Company, Inc.)
C/o C.T. Corporation System, S.A.)
1300 East Ninth St. #1010)
Cleveland, OH 44114)
)
CSR Limited)
One Connell Street)
Sydney, Now South Wales)
Australia, 2000)
)
Cyprus Industrial Mineral)
Independently, and as successor in)
Interest to Cyprus Mines and as successor)
In interest to Sierra Talc)
P.O. Box 3419)
Englewood, CO 80155)

DaimlerChrysler Corporation
c/o C.T. Corporation System
1300 East Ninth St., #1010
Cleveland, OH 44114

Dana Corporation
P.O. Box 1000
Toledo, OH 43697

Devcon Corporation
30 Endicott St.
Danvers, MA 01923

Didier Taylor Refractories Corp.
RHI Refractories
600 Grant St., 51st Floor
Pittsburgh, PA 15219

Donald McKay-Smith Company
26016 Detroit Rd., Ste 7
Westlake, OH 44145

Dresser Industries, Inc.
Successor to Harbison Walker
Refractories Co.
c/o Statutory Agent
CSC-Lawyers Inc., Svd.
50 West Broad Street
Columbus, Ohio 43215

Durox Equipment Corporation
c/o Robert C. Smykal
12312 Alameda Dr.
Strongsville, OH 44149

Eastern Magnesia Talc Co.
n.k.a. Pita Realty Limited
a Subsidiary of Engelhard
c/o Statutory Agent
Corporate Trust Company
28 West State Street
Trenton, NJ 06806-1679

Eaton Corporation
1111 Superior Ave.
Cleveland, OH 44114

The Edward R. Hart Company
P.O. Box 6207
Canton, Ohio 44706

Engelhard Corporation
c/o C.t. Corporation System
1300 E. Ninth St., #1010
Cleveland, OH 44114

Ericson, Inc., Successor in
Interest to the Continental Wire &
Cable Co. & Anaconda Wire & Cable Co.
730 International Parkway
Richardson, Texas 75081

Exochem Corporation
2421 E. 28th St.
Lorain, OH 44055

Fairmont Supply Company
c/o Statutory Agent
C.T. Corporation System
1021 Main #1150
Houston, TX 77002

F.B. Wright Company of Ohio
co Jeffrey S. Kryvicky
30801 Ainsworth Drive
Pepper Pike, OH 44124

F.B. Wright Company of Pittsburgh
98 Vanadium Rd.
Bridgeville, PA 15017

Flexo Product, Inc.
An Ohio Corporation
c/o John D. Hill, Jr.
PO Box 450765
Westlake, Ohio 44145

The Flintkote Company)
A Delaware Corporation)
c/o Christine Hamilton)
3 Embarcadero Center, Suite 1190)
San Francisco, CA 94111-4047)
)
FMC Corporation)
200 East Randolph Drive)
Suite 6700)
Chicago, IL 60601)
)
Foseco, Inc.)
c/o C.T. Corporation System)
350 N. St. Paul Street, #2900)
Dallas, Texas 75201)
)
Foster Wheeler Energy Corporation)
A Delaware Corporation)
c/o U.S. Company, Statutory Agent)
50 West Broad St., Suite 1800)
Columbus, OH 43215)
)
General Electric Company)
3135 Easton Turnpike)
Fairfield, Connecticut 06431)
)
General Motors Corporation)
c/o CT Corporation System)
1300 East 9th Street, #1010)
Cleveland, OH 44114)
)
General Refractories Company)
225 City Avenue, Suite 114)
Bala Cynwyd, PA 19004)
)
George V. Hamilton, Inc.)
River Avenue)
McKees Rocks, PA 15136)
)
Georgia Talc, Co.)
c/o Frances Glenn)
1112 W. Lakeshore Drive)
Dalton, GA 30720)
)

Georgia-Pacific Corp.)
c/o Statutory Agent)
The Corporation Trust Co.)
1209 Orange Street)
Wilmington, DE 19801)
)
Greene Tweed & Company)
P.O. Box 305)
Kulpsville, PA 19443)
)
Grefco, Inc.)
A Delaware Corp.)
225 City Line Ave.)
Suite 114)
Bala Cynwyd, PA 19004)
)
Halliburton Company)
Successor in Interest to Dresser Industries)
4100 Clinton Dr.)
Building 01-631)
Houston, TX 77020)
)
Harbison Walker Refractories, Inc.)
USX Steel Building)
600 Grant Street)
Pittsburgh, Pennsylvania 15219)
)
The Harshaw Chemical Company)
c/o Statutory Agent)
CT Corporation System)
1300 E. Ninth St., #1010)
Cleveland, OH 44114)
)
Harwick Chemical Corp.)
c/o CT Corporation System)
1300 E. Ninth St., #1010)
Cleveland, OH 44114)
)
Hersh Packing & Rubber Co.)
c/o Stephen Ledbetter)
Statutory Agent)
312 North High Street)
Canal Winchester, Ohio 43110)
)

Hobart Brothers Company)
c/o C.T. Corporation System, S.A.)
1300 East Ninth St., #1010)
Cleveland, OH 44114)
)
Hollow Center Packing Co.)
c/o Statutory Agent)
45 Fox Glen Rd.)
Chagrin Falls, OH 44023)
)
Industrial Holdings, Inc.)
aka Carborundum Company)
C.T. Corporation Systems)
1300 E. Ninth St., #1010)
Cleveland, OH 44114)
)
Ingersoll-Rand Company)
c/o Statutory Agent)
C.T. Corporation System)
1300 East Ninth St., #1010)
Cleveland, Ohio 44114)
)
Inland Firebrick, LLC)
c/o Thomas Hart, Statutory agent)
15411 Chatfield Ave.)
Cleveland, OH 44111)
)
Inland Enterprises, Inc.)
c/o Merret F. Myers, Statutory agent)
2724 Country Club Blvd.)
Rocky River, OH 44116)
)
Insul Company Inc.)
c/o Allison & Blasdoll)
139 N. Market St.)
East Palastine, Ohio 44413)
)
International Minerals & Chemical)
2315 St. Clair Street)
Northbrook, IL 60062)
)
J.H. France Refractories Co.)
PO Box 276)
Snow Show, PA 16874)

JNO. J. Disch Co.
c/o Statutory Agent
John J. Disch
1616 Coutant Avenue
Cleveland, Ohio 44107

John Crane, Inc.
Formerly known as John Crane Packing Co.
c/o Statutory Agent
C.T. Corporation System
1300 East Ninth St., #1010
Cleveland, Ohio 44114

Johnson & Johnson,
Individually and as Liable
for the Estern Magnesia Talc Co., Inc.
1 Johnson & Johnson Plaza
New Brunswick, NJ 08933

Kaiser Aluminum & Chemical Corp.
PO Box 5009
San Ramon, CA 94583-0909

Kaiser Refractories
Domolite Processing Plant
11771 Highway 1
Moss Landing, CA 95039

KCAC, Inc.
P.O. Box K
King City, CA 93930

Lake Asbestos of Quebec, Ltd.
(Lac D'Amiante Du Quebec, Ltee)
A Canadian Corporation
PO Box 608
Black Lake Quebec
Canada GON1AO

The Lake Terminal Railroad Company
c/o Prentice Hall Corporation
50 W. Broad St., Suite 1800
Columbus, OH 43215

The Lincoln Electric Company
22777 St. Clair Avenue
Cleveland, Ohio 44117

Lindberg MPH
3827 Riverside Rd.
PO Box 131
Riverside, MI 49084

Magnetek, Inc.
26 Century Blvd., Ste 600
Nashville, TN 37214-3644

Mahoning Valley Supply Co.
4940 Aultman Road
Canton, Ohio 44720

The Marmon Group, Inc., in its own right
As Successor-in-interest to the Cerro
Corporation, Cerro Wire & Cable Co., Inc.
The Rockbestos Co., and the Rockbestos
Products Corporation
225 W. Washington, 19th Floor
Chicago, IL 60606

McCord Gasket Company
C/o C.T. Corporation System
1300 East Ninth St. #1010
Cleveland, OH 44114

McNeil & NRM Inc.
Individually and as Successor in Interest
to NRM Steelastic, fka NRM Corp. and as
Successor in Interest to McNeil-Akron, Inc.
fka McNeil Corporation
96 E. Crosier Street
Akron, Ohio 44311

McNeil (Ohio) Corporation
c/o Statutory Agent
C.T. Corporation System
441 Vine Street, #3810
Cincinnati, Ohio 45202

Metropolitan Life Insurance Company
One Madison Ave.
Area 94
New York, NY 10010-3690

M.F. Murdock Company
c/o W.A. Price
196 S. Hawkins Ave.
Akron, OH 44313

Milwhite Inc.
12539 Cutten Road
Houston, TX 77269-0149

Minnesota Mining & Mfg. Company
3 M Center
St. Paul, Minnesota 55101

Moog Automotive, Inc.
Successor in Interest to
Wagner Electric Corporation
C/O C.T. Corporation
1209 Orange St.
Wilmington, DE 19801

M.V.S. Company, as Successor in Interest
to Mahoning Valley Supply Co.
c/o David E. Williams, S.A.
12060 Mallards Crossing
Petersburg, OH 44454

The National Machinery Company
C/O Andrew Service Corporation
1800 Huntington Bldg.
Cleveland, OH 44115

N.L. Industries, Inc.
Fka National Lead Company, etc.
16825 Northchase Dr., Ste 1200
Houston, TX 77060

Nock Refractories Company
fka Nock Fire Brick Company

1243 East 55th Street
Cleveland, Ohio 44103

Norton Company
c/o C.T. Corporation System
350 N. St. Paul Street, #2900
Dallas, Texas 75201

Oakfabco Boiler Corporation
c/o John T. Huntington, SA
McBride, Baker & Coles
1 Mid America Plaza, Suite 1000
Oakbrook Terrace, IL 60181

O'Connor Steel & Supply Company
1330 De Valera Ave.
Akron, Ohio 44310

Oglebay Norton Company
and its division Ferro Engineering
1100 Superior Avenue, #2100
Cleveland, Ohio 44114

Ohio Pipe & Supply Company Inc.
14615 Lorain Ave.
Cleveland, Ohio 44111

Ohio Valley Insulating Company, Inc.
c/o Statutory Agent
C.T. Corporation System
1300 E. Ninth St., #1010
Cleveland, Ohio 44114

Okonite Incorporated
A Delaware Corp.
Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

Osram Sylvania, Inc.
c/o Statutory Agent
C.T. Corporation System
1300 E. Ninth St., #1010
Cleveland, Ohio 44114

Owens Illinois, Inc.
c/o Statutory Agent
C.T. Corporation System
1300 E. Ninth St., #1010
Cleveland, Ohio 44114

Pfizer, Inc.
c/o Statutory Agent
C.T. Corporation System
441 Vine Street, #3810
Cincinnati, Ohio 45202

Pittsburgh Metals Purifying Company
7255 Saxonburg Blvd.
Saxonburg, PA 16056-9727

Plibrico Company
c/o Prentice Hall Corporation
50 West Broad St., Suite 1800
Columbus, OH 43215

Pneumo Abex Corporation
Successor in Interest to Abex Corp.
c/o Prentice Hall Co., Statutory Agent
Prentice Hall Corporation
50 West Broad St., Suite 1800
Columbus, OH 43215

Quigley Company, Inc.
235 East 42nd St.
New York, NY 10017

Rapid-American Corporation, in its
Own Right and as Successor in Interest
to and liable for Philip Carey Corporation
c/o McCrory Corporation
667 Madison Avenue
New York, NY 10021

Red Seal Electric Company
3835 W. 150th Street
Cleveland, Ohio 44111

R.E. Kramig & Co., Inc.
c/o George K. Kulesza
323 S. Wayne Ave.
Cincinnati, OH 45215

Rexnord Corporation
Stearns Division
Successor to Stearns Brakes
A Delaware Corporation
c/o C.T. Corporation System
1300 E. Ninth St., #1010
Cleveland, OH 44114

Riley Stoker Corporation
A Massachusetts Corporation
c/o Statutory Agent
C.T. Corporation System
1300 E. Ninth St. #1010
Cleveland, OH 44114

The Rockbestos Company
n.k.a. Surprenant Cable Corp.
A Foreign Corporation
c/o Statutory Agent
U.S. Corporation Company
50 West Broad St., Suite 1800
Columbus, Ohio 43215

Rockwell International Corporation
c/o C.T. Corporation System
350 N. St. Paul Street, #2900
Dallas, Texas 75201

Rome Cable Corporation
421 Ridge St.
Rome, NY 13440

R.T. Vanderbilt Company, Inc.
c/o Statutory Agent United
U.S. Corporation Company
50 West Broad St., Suite 1800
Columbus, Ohio 43215

Safety First Industries, Inc.

42nd Floor)
600 Grant Street)
Pittsburgh, PA 15219)
)

The Sager Corporation)
c/o Richard G. Polley)
Dickie, McCamey & Chilcote)
Two PPG Place, Suite 400)
Pittsburgh, PA 15222-5402)
)

Sepco Corporation)
A California Corporation)
7301 Oranewood Ave.)
Garden Grove, CA 92841-1411)
)

Southern Talc, aka Georgia Talc, aka)
Albion Kaolin Company)
P.O. Drawer F)
Chatsworth, GA 30705)
)

Standard Glove, Co.)
23520 St. Clair Ave.)
Cleveland, OH 44117)
)

St. Lawrence Liquidating Company)
Trustee for International Talc Company)
a Dissolved Corporation)
c/o Regina A. Massetti)
113 St. Clair Avenue, Suite 530)
Cleveland, Ohio 44114)
)

Tasco Insulating Company)
c/o Gallagher, Sharp, Fulton, & Norman)
Seventh Floor)
Bulkley Building)
1501 Euclid Ave.)
Playhouse Square)
Cleveland, OH 44115-2108)
)

Theim Corporation)
500 S. Marquette Ave.)
PO Box 6)
Oak Creek, WI 53154)
)

Treco Construction Services, Inc.)
F.K.A. Rust Engineering Company)
c/o WMX Technologies, Inc.)
720 E. Butterfield Rd., 2nd Floor)
Lombard, IL 60148-5689)
)
Twyman-Templeton Co., Inc.)
1832 Akron-Peninsula Road)
Akron, Ohio 44313)
)
Union Boiler Company)
c/o Robert L. Pennington)
P.O. Box 425)
Nitro, WV 25140)
)
Uniroyal Fiber & Textile Division)
of Uniroyal, Inc.)
70 Greate Hill Road)
Naugatuck, CT 06770)
)
Uniroyal, Inc.)
Goodrich Tire Co. fka Uniroyal Goodrich)
Tire Co., fka United States Rubber Co.)
50 West Broad St., Suite 1800)
Columbus, OH 43215)
)
The Weil McClain Division)
of the Marley Company)
c/o United Dominion Industries, Inc.)
C/O C.T. Corporation System)
1300 E. Ninth St. #1010)
Cleveland, OH 44114)
)
Universal Refractories)
P.O. Box 97)
Wampum, PA 16157)
)
USX Corporation, and its division)
American Steel & Wire Co.)
aka Americable Division)
c/o Prentice-Hall Corp. System)
50 West Broad Street, Suite 1800)
Columbus, Ohio 43215)
)

Westinghouse Electric, Corporation)
Six Gateway Center)
Pittsburgh, PA 15222)
)
Wheeler Protective Apparel Corporation)
c/o Robert Wilkinson)
P.O. Box 1618)
Pascagoula, MS 39568)
)
Yokohama Tire Corporation, Individually)
and as Successor in Interest to)
Mohawk Rubber Company)
c/o Prentice Hall Corp. System)
50 W. Broad St., Suite 1800)
Columbus, OH 43215)
)
Zurn Industries, Inc.)
aka Erie City Boilers)
c/o Statutory Agent)
C.T. Corporation System)
1300 E. Ninth St., #1010)
Cleveland, Ohio 44114)
)
John Doe, 1 through 100, inclusive)
Manufacturers, Sellers or Installers of)
Asbestos-Containing (Names & Addressed)
unknown))
)
Defendants)
)

COMPLAINT

1. Plaintiffs, or Plaintiffs' decedents, hereinafter referred to as "Plaintiffs" are or were formerly residents of the State of Ohio, and are, or were formerly, employed in Ohio.
2. Plaintiffs are informed and believe that Defendants are corporations organized and existing under the laws of the State of Ohio, or of some other state of the United States of America, or of some foreign jurisdiction, and that said Defendants are conducting and have regularly conducted, business in the State of Ohio.

3. Plaintiffs are or were formerly employed in the State of Ohio.

4. At all times mentioned herein, Defendants were the agents, servants, employees, and/or joint ventures of their Co-Defendants and were, as such, acting within the scope, course, and authority of said agency employment, and/or joint venture; and each ratified and approved the acts of its agents, servants, employees, and/or joint ventures, and was responsible in some manner for the injuries and damages to Plaintiffs as set forth hereinafter.

5. At all times mentioned herein, Defendants were and are engaged in the business of manufacturing, fabricating, designing, using, assembling, distributing, leasing, buying, selling, inspecting, installing, servicing, repairing, marketing, and/or advertising asbestos and/or talc (commonly known within the tire and rubber industry as "soapstone"), and/or other products or components of products containing asbestos or talc, and Defendants owed Plaintiffs a duty to conduct their business with due care for Plaintiff's safety.

FIRST CAUSE OF ACTION

(NEGLIGENCE)

6. Plaintiffs reallege and incorporate each and every paragraph set forth above, as though fully set forth here.

7. Plaintiffs used, handled, and were otherwise exposed to asbestos and asbestos products, talc, and talc products, as referenced hereinabove, of each of Defendants, for a substantial period of years, in a manner that was reasonably

foreseeable to Defendants, while on the premises of their employers or work sites in Ohio during their respective periods of employment.

8. Within two years prior to the filing of this Complaint, Plaintiffs learned for the first time, as a result of medical examinations, that their exposure to Defendants' products or premises had directly and proximately caused each of them to suffer from some form of disease or disability associated with exposure to the products of Defendants. Plaintiffs have sustained permanent and serious injuries to their bodies, lungs, respiratory systems, and cardiovascular systems.

9. Defendants knew, or in the exercise of reasonable care, should have known, that their products or premises were and are unreasonably harmful to the body, lungs, respiratory system, and cardiovascular system of any person installing handling and using them, and of any person in the immediate vicinity of their installation, handling, and use.

10. Defendants negligently researched, tested, used, manufactured, designed, developed, distributed, labeled, advertised, marketed, inspected, repaired, modified, serviced, installed, and/or sold the products to which Plaintiffs were exposed.

11. Plaintiffs' injuries and damages were directly and proximately caused by the negligence of each Defendant, as set forth above, and by each Defendant's:

- a. negligent failure to adequately warn Plaintiffs of the dangers and harms inherent to exposure to its products and the products in its premises;
- b. negligent failure to coat, treat, encapsulate, or otherwise process, package or label its products and/or the products in its premises so as to

prevent the generation of particulates and dust which are unreasonably dangerous to persons exposed to such products; and

- c. negligent failure to specify, recommend, supply, install, sell and use readily available substitutes for their unreasonably dangerous products, or products in its premises which substitutes would not pose hazards to human health; and
- d. negligent failure to warn and protect its employees and frequenters of its business premises from the dangers of exposure to asbestos and asbestos-containing products that were present in its premises.

12. As a direct and proximate result of the conduct of Defendants, Plaintiffs sustained permanent injuries to their persons and bodies, lungs, respiratory and cardiovascular systems, suffered great physical, mental and nervous pain and suffering and mental anguish, and now suffer from reasonable and justifiable fears of progressive and irreversible incapacity, increasing discomfort, cancer, shortened life-span, and impairment to their quality of life.

13. As a direct and proximate result of the conduct of Defendants, Plaintiffs have incurred medical, hospital, professional, and incidental expenses, and will continue to incur such expenses in the future; have been prevented from attending to their usual occupations and activities, have lost wages, and will continue to lose earning capacity in the future.

SECOND CAUSE OF ACTION

(STRICT LIABILITY)

14. Plaintiffs reallege and incorporate each and every paragraph set forth above, as though fully set forth here.

15. There was, in fact, a defect in the asbestos-containing products manufactured and sold by the Defendants.

16. Such defect existed at the time the products left the hands of the Defendants.

17. The defect was the direct and proximate cause of Plaintiffs' injuries or losses.

18. Defendants researched, tested, manufactured, designed, developed, distributed, labeled, advertised, marketed, inspected, repaired, modified, used, serviced, installed, and sold to the public, to Plaintiffs, employers, and to others working in the vicinity of Plaintiffs, asbestos and asbestos products, talc and talc products, and knew that these products would be used and handled by Plaintiffs and others similarly situated without any knowledge of their defects and inherent danger, and without any inspection for defects and dangers.

19. Plaintiffs, in the course and scope of their employment, used, handled, and were otherwise exposed to asbestos and asbestos products, and talc and talc products, sold or otherwise supplied by Defendants, without receiving any warnings from Defendants of the defects and inherent dangers of the products.

20. The products which were sold by Defendants and/or supplied by Defendants, and to which Plaintiffs were exposed, were defective and unsafe for their intended uses and purposes, in that they were more dangerous than an ordinary

consumer or user would expect, and in that the risks incident to the use of the products outweighed any benefits of the utility of the products.

21. As a direct and proximate result of the defective condition of these products, Plaintiffs were injured and damaged, and will be further injured and damaged as set forth above.

THIRD CAUSE OF ACTION

(BREACH OF EXPRESS WARRANTY)

22. Plaintiffs reallege and incorporate each and every paragraph set forth above, as though fully set forth here.

23. Defendants expressly warranted that the products described as set forth above, which they sold or supplied, and to which Plaintiffs were exposed, were reasonably fit for their intended uses without endangering human life and safety.

24. Defendants breached these express warranties, in that their products described as set forth above were defective and dangerous to reasonably foreseeable users like Plaintiffs as set forth above.

25. Plaintiffs did rely upon the express warranties and representations of Defendants regarding the fitness and safety of their aforesaid products, and as a result, used, handled, and were otherwise exposed to these products.

26. As a direct and proximate result of the Defendants' breaches of their express warranties, Plaintiffs were injured and damaged, as set forth above.

FOURTH CAUSE OF ACTION

(BREACH OF IMPLIED WARRANTY)

27. Plaintiffs reallege and incorporate each and every paragraph set forth above, as though fully set forth here.

28. Defendants impliedly warranted that the products described as set forth above, which they sold or supplied, and to which Plaintiffs were exposed, were of merchantable quality, were reasonably safe, and were reasonably fit for use in a work place environment for the particular purposes for which they were sold or supplied, without endangering human life and safety.

29. Defendants breached these implied warranties of merchantability, safety, and fitness for a particular purpose, in that their products described as set forth above were defective and dangerous to reasonably foreseeable users and consumes like Plaintiffs as set forth above.

30. Plaintiffs did rely upon the implied warranties and representations of Defendants regarding their products described as set forth above, and as a result used, handled and were otherwise exposed to these products.

31. As a direct and proximate result of Defendants' breaches of implied warranties, Plaintiffs were injured and damaged as set forth above.

FIFTH CAUSE OF ACTION

(LOSS OF CONSORTIUM)

32. Plaintiffs reallege and incorporate each and every paragraph set forth above, as though fully set forth here.

33. Plaintiffs have suffered a loss of consortium and have been deprived of the society, companionship, and assistance of their spouses.

SIXTH CLAIM FOR RELIEF

(STATUTORY PRODUCTS LIABILITY)

34. Plaintiffs reallege and incorporate each and every paragraph set forth above, as though fully set forth here.

35. Plaintiffs bring this claim for relief against Defendants named herein and John Does 1- 100 and their predecessors in interest for product liability under Ohio Revised Code Section 2307.71, et seq. At all times pertinent hereto the aforementioned Defendants and John Does were "manufacturers" and "suppliers" of asbestos and asbestos products as "manufacturer" and "supplier" as defined under Ohio Revised Code Section 2307.71.

36. "The Products" as manufactured and supplied by the aforementioned Defendants and John Does, were defective in manufacture and construction as described in Ohio Revised Code Section 2307.73, were defective in design or formulation as described in Ohio Revised Code Section 2307.75, were defective due to inadequate warnings and instructions as described in Ohio Revised Code Section 2307.76 and were defective because they did not conform to representations made by their manufacturers and suppliers as described in Ohio Revised Code Section 2307.77.

37. Each of the defective conditions of "The Products" as described above, pursuant to Ohio Revised Code Section 2307.73, were singularly a proximate cause of the harm for which Plaintiffs seek to recover compensatory damages as previously set forth. Furthermore, each of the aforementioned Defendants are liable as if they were the manufacturers in accordance with Ohio Revised Code Section 2307.78.

SEVENTH CAUSE OF ACTION

(PUNITIVE DAMAGES)

38. Plaintiffs reallege and incorporate each and every paragraph set forth above, as though fully set forth here.

39. Plaintiffs are informed and believe that the Defendants named herein and their predecessors in interest researched, tested, manufactured, labeled, marketed, used, distributed and sold products described as set forth above with conscious disregard for the safety of Plaintiffs and other users of said products, in that said Defendants had specific prior knowledge that there was a high risk of injury or death resulting from exposure to their products or products in their premises aforesaid, including, but not limited to, lung cancer and other forms of cancer, and asbestosis. Said knowledge was obtained, in part, from scientific studies and medical data to which Defendants had access, as well as scientific studies performed by, at the request of, or with the assistance of, said Defendants, and which knowledge was obtained by said Defendants during the time said Defendants manufactured, distributed, used or sold their said products.

40. During the time said Defendants manufactured, distributed, used, or sold their said products, Defendants were aware that Plaintiffs and other members of the general public who would be exposed to their products had no knowledge or information that said products could cause injury, and Defendants knew that Plaintiffs and other users of said products, as well as members of the general public who were

exposed to said products, would assume, and in fact did assume, that exposure to said products was safe, when in fact said exposure was extremely hazardous to human life.

41. Despite this knowledge, Defendants opted to manufacture, distribute, use, and sell said products without attempting to protect Plaintiffs and other users from, or to warn Plaintiffs and other users of, the high risk of injury and death resulting from exposure to said products. Rather than attempting to protect Plaintiffs and other users from, or warn Plaintiffs and other users of, the high risk of injury or death resulting from exposure to their asbestos and asbestos-containing products, said Defendants failed to reveal their knowledge of these risks, and intentionally, consciously, and actively concealed and suppressed this knowledge from members of the general public, Plaintiffs' employers and other users, thus impliedly representing to members of the general public, Plaintiffs' employers and other users that these asbestos and asbestos-containing products and talc products were safe for all reasonably foreseeable use, with the knowledge of the falsity of said implied representations and with a conscious disregard of the rights and safety of Plaintiffs and other users.

42. The above-referenced conduct of these Defendants was motivated by the financial interest of said Defendants in the continuing, uninterrupted distribution, use, and marketing of asbestos and asbestos-containing products and talc products. In pursuance of this financial motivation, said Defendants consciously disregarded the safety of Plaintiffs and other users of their asbestos and asbestos-containing products and talc products, and were consciously willing to permit said asbestos and asbestos-

containing products and talc products to cause injury to frequenters, users, and bystanders, including Plaintiffs.

43. As the above-referenced conduct of said Defendants was and is willful, malicious, outrageous and in conscious disregard and indifference to the safety of Plaintiffs and other users of their asbestos and asbestos-containing products, Plaintiffs therefore, for the sake of example, and by way of punishing these Defendants, seek punitive damages according to proof.

EIGHTH CLAIM FOR RELIEF

(INTENTIONAL TORT)

44. Plaintiffs reallege and incorporate each and every paragraph set forth above, as though fully set forth here.

45. At all times mentioned herein, Defendants, Ford Motor Company, Bridgestone/Firestone, Inc., Goodyear Tire & Rubber Company, The Harshaw Chemical Company, Lockheed Martin, Inc., Yokohama Tire Corporation, Pneumo Abex Corporation, Daimler Chrysler Corporation, The Lake Terminal Railroad Company, McNeil & NRM Inc., McNeil (Ohio) Corporation, and USX Corporation, and each of said Defendant's predecessors, owned and operated manufacturing facilities located in Ohio.

46. Plaintiffs state that at all times relevant hereto Plaintiffs were employees of each of the aforesaid Defendants and/or said Defendant's predecessors working at said employers' manufacturing facilities in Ohio.

47. While employed at said Ohio manufacturing facilities, Plaintiffs were exposed to numerous asbestos and asbestos-containing products, talc and talc

containing products and, as a result of such exposure, sustained severe and irreversible lung diseases.

48. Said Defendants and each of said Defendant's predecessors, had knowledge of a dangerous process and/or procedure and/or instrumentality and/or condition within their business operations, to wit: the presence of asbestos and asbestos containing products and talc and talc containing products in their Ohio facilities, the dangers of asbestos and talc, and the risks of serious respiratory diseases that are caused by the inhalation of asbestos fiber and/or talc.

49. Said Defendants and each of said Defendant's predecessors, intentionally and/or with knowledge that injury was substantially certain to occur failed to provide adequate protection and/or warning and/or training for Plaintiff's Decedents and other employees and allowed hazardous and dangerous conditions and/or instrumentalities and/or procedures and/or processes to exist which directly and proximately caused the serious and irreversible diseases sustained by Plaintiffs.

50. Said Defendants and each of said Defendant's predecessors, maliciously and/or wantonly and/or willfully allowed this hazardous, dangerous condition to exist which directly and proximately caused the serious and irreversible diseases of Plaintiffs.

51. Said Defendants and each of said Defendant's predecessors, had knowledge of this hazardous and dangerous condition and intentionally and/or with the belief that injury was substantially certain to occur and/or maliciously and/or wantonly and/or willfully failed to correct or prevent said dangerous condition or to protect and

warn Plaintiffs and other employees of the dangerous condition which directly and proximately caused the serious and irreversible disease of Plaintiffs.

52. Said Defendants and each of said Defendant's predecessors, had actual knowledge of the hazardous conditions and/or instrumentalities and/or processes and/or procedures described herein and their failure to take action constitutes willful, wanton, and intentional misconduct, subjecting said Defendants to the imposition of punitive damages.

NINTH CLAIM FOR RELIEF

FRAUDULENT CONCEALMENT AND REPRESENTATION:

WILLFUL MISCONDUCTWILLFUL MISCONDUCT

53. All allegations contained in the previous paragraphs are realleged herein.

54. Defendants made false representations of facts regarding their manufacturing, selling, use, and distributing asbestos, asbestos-containing products, and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products with knowledge of their falsity or with such utter disregard and recklessness about their falsity and, that Defendants' representations were material to their manufacturing, selling, using, and distributing of their asbestos, asbestos-containing products, and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products. Defendants' representations were made with the intent to mislead Plaintiffs into relying upon them. Plaintiffs were justified in relying

upon Defendants' representations, and did, in fact, so rely. Plaintiff's diseases were proximately or directly caused by their reliance upon Defendants' representations.

55. Defendants knowingly concealed facts regarding their manufacturing, selling, using, and distributing asbestos, asbestos-containing products which was done when and where there was a duty to disclose. Defendants' concealment was material to their manufacturing, selling, using, and distributing of their asbestos-containing products, and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products. Defendants' concealment was made with the intent to mislead Plaintiffs into relying upon it. Plaintiffs were justified in relying upon Defendants' concealment, and did, in fact, so rely. Plaintiffs diseases were proximately or directly caused by their reliance upon Defendants' concealment.

56. Defendants' acts, as described above, constitute fraudulent representation and/or fraudulent concealment in the following manner:

- A. Defendants intended the publication of false and misleading statements and reports and/or the nondisclosure of documented reports of health hazards of asbestos, in order to:
 - (a) Maintain a favorable atmosphere for the continued sale, use, and distribution of asbestos, asbestos-containing products and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products.
 - (b) Assist in continued pecuniary gain through the control and reduction of claims.

- (c) Influence proposed legislation to regulate asbestos exposure
- (d) Provide a defense in lawsuits brought for injury resulting from asbestos disease.
- (e) Facilitate the continued use of asbestos or asbestos containing products without objection or resistance by their employees.

B. Defendants intended reliance upon the published reports regarding the safety of asbestos, asbestos-containing products and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products.

57. Defendants have, as previously stated, altered, influenced, and created significant portions of medical literature which are false and misleading statements concerning the dangers of asbestos exposure and injury, disease, illness, and disability. In so doing, Defendants, and their aforesaid agents provided a body of medical literature which, when relied upon by persons investigating such literature, lead to a false impression of the dangers of asbestos exposure. Additionally the publication of such literature acted to inhibit the development of the literature and effectively delayed the dissemination of accurate knowledge of the dangers. Defendant's owed a duty to Plaintiffs, and the public as a whole, when contributing to the medical literature to do so in good faith and with the reasonable care expected of any professional contributing to such literature; Defendants' failure to do so constitutes willful and wanton misconduct and a separate intentional tort creating a duty to compensate Plaintiffs for

the illness, disability and death they sustained as a proximate result of Defendants' actions.

58. Defendants have, as previously stated, falsely advised their employees that asbestos or asbestos containing products were safe and such statements were made with knowledge of their falsity or with such utter disregard and recklessness about their falsity. Such false representations were material to Defendants' continued use of asbestos and asbestos containing products and made with the intent to mislead the Plaintiffs into relying upon them. Plaintiffs did in fact rely on Defendant's representations and such reliance proximately caused their diseases.

59. As a direct and proximate result of Defendants' fraudulent representations and/or fraudulent concealment, Plaintiffs suffered the illness, disability and death set forth in the foregoing paragraphs, for which Defendants are liable at common law.

WHEREFORE, Plaintiffs demand judgment against Defendants as follows:

1. On causes of action one, two, three, four and six, compensatory damages for each Plaintiff in an amount greater than Twenty-Five Thousand Dollars;
2. On cause of action five, compensatory damages for each Plaintiff-spouse in an amount greater than Twenty-Five Thousand Dollars;
3. On cause of action seven, punitive damages against all Defendants for each Plaintiff in an amount greater than Twenty-Five Thousand Dollars;
4. On cause of action eight, compensatory damages and punitive damages against those named Defendants only in an amount that exceeds Twenty-Five Thousand Dollars for each Plaintiff;

5. On cause of action nine, compensatory damages and punitive damages against all Defendants in an amount that exceeds Twenty-Five Thousand Dollars for each Plaintiff;

Respectfully submitted,

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JURY DEMAND

Now come Plaintiffs, by and through counsel, and demand a trial by jury of the instant action.

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